

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA,

Indictment No.: 22 CR 395 (ER)

v.

SETH MARKIN,

**DECLARATION**

Defendant.  
-----X

MAURICE H. SERCARZ, being duly sworn deposes and says:

1. I am member of the firm of Sercarz & Riopelle, LLP, counsel of record for the defendant Seth Markin.

2. Seth Markin (“Markin,” “the Defendant”) is charged in the following counts of the Indictment:

Count One charges the defendant with conspiracy to commit Securities Fraud and Tender Offer Fraud in violation of (i) Securities Fraud 18 U.S.C. §§ 78(j)(b) and 78(f)(f) and Title 17 Code of Federal Regulations § 240.10(b)-(5); (ii) Securities Fraud 18 U.S.C. § 1348; and (iii) Tender Offer Fraud in violation of Title 15 U.S.C. §§ 78(n)(e) and 78(f)(f), and Title 17 Code of Federal Regulations §§ 240.14(e)-(3)(a) and 240.14(e)-(3)(d).

Counts Two through Nine charge the defendant with substantive acts of Securities Fraud in violation of Title 15 U.S.C. § 78(j)(b) and 78(f)(f) in accordance with Title 17 Code of Federal Regulations § 240.10(b)-(5), 240.10(b)(5)-(1) and (2).

Count Sixteen charges the defendant with Securities Fraud in that Markin and his co-defendant, knowingly executed a scheme and artifice to defraud persons in connection with the securities of an issuer; and to obtain by means of false and fraudulent pretenses, representations and promises, money and property in connection with the purchase and sale of securities, in that Markin and his co-defendant “schemed to defraud Markin’s girlfriend, the law firm associate, by embezzling material, non-public information from her for the purpose of executing securities transactions in Pandion.” *See* 18 U.S.C. §§ 1348 and 2.

Counts Seventeen through Twenty-Four, charge the defendant with Tender Offer Fraud in violation of Title 15 U.S.C. §§ 78n(e) and 78(f)(f) in accordance with Title 17 Code of Federal Regulations §§ 240.14(e)-(3)(a) and (d). Each count tracks an analogous charge of Securities in Counts Two through Nine.

Finally, Count Thirty-One charges the defendant with making false statements while being interviewed by Special Agents of the FBI in violation of 18 U.S.C. § 1001(a)(2).

3. After reviewing the discovery material and pleadings provided by the Government in this case, the following exhibits are submitted in support of defendant’s motion:

4. Exhibit A is an application for a warrant to search the defendant’s dormitory room at the FBI Academy.

5. Exhibit B Is the Affidavit of Seth Markin in support of the Motion.

6. Exhibits C and E are copies of the *Garrity* Warning form that the defendant signed at the beginning and the end of the interview.

7. Exhibit D is an FBI 302 form memorializing the interview of the defendant on November 18, 2021.

8. Exhibit F is a letter dated November 12, 2021 advising the defendant that his security clearance was suspended.

9. Exhibit G is a letter dated November 16, 2021 advising the defendant that he was suspended as an agent based upon the suspension of his security clearance.

10. Exhibit H is a form regarding the defendant's dismissal as an FBI agent.

WHEREFORE, it is respectfully requested that defendant's motion be granted in all respects.

Dated: New York, New York  
December 29, 2022

/s/ Maurice H. Sercarz  
MAURICE H. SERCARZ